

1900-042 Chancery Causes: David Preston vs. James Edwards &c  
Lee Co.

William Deering & Co, Deering, M. Lehan, Sewell, Lambert,  
Blankenship, Absher, Sargent, Ely, Smith

CA - Debt

T - Property



1 To the Hon. W. J. Miller, Judge of  
2 the Circuit Court of Lee County,  
3 Virginia

4 Humbly complaining sheweth  
5 unto your Honor, your Orator,  
6 David Preston, that on the 15<sup>th</sup>  
7 day of April 1895 he obtained  
8 before C. C. Blankenship, a Justice  
9 of said County, a Judgement against  
10 James Edwards, for Seventy one  
11 dollars with interest thereon from  
12 said 15<sup>th</sup> day of April 1895 till said  
13 one dollar cost, on which said  
14 Judgement, a writ of fieri facias  
15 was duly issue by the said Justice  
16 directed to W. P. Sprinkle, a constable  
17 of said County to be executed & which  
18 was by said Constable returned with  
19 the following endorsement thereon, "Not  
20 executed, no property found, W. P.  
21 Sprinkle."

22 Your Orator further states that  
23 said Judgement was duly docketed  
24 in the Judgement Room Docket in  
25 the Clerk's <sup>Office</sup> of the County Court for  
26 Lee County on the 18<sup>th</sup> day of Sept.  
27 1895 & your orator is advised that  
28 said Judgement constitutes a lien  
29 upon the real estate of the said  
30 Edwards in Lee County, Virginia  
31 an abstract of said Judgement  
32 is herewith filed, marked A & para



1 & the original execution marked  
2 B & both of which are prayed to be con-  
3 sidered a part hereof.

4 Now your orator further states, that  
5 the said James Edwards is seized &  
6 possessed in fee simple of a tract  
7 of land lying therein in said County  
8 containing about 150 acres more  
9 or less lying on the South side  
10 of Powell's River near the Oxford  
11 ford of said river, adjoining the lands  
12 of J. J. Ely & the said Preston & others &  
13 that he is advised that his said  
14 judgment, no part of which has  
15 been paid, is a lien under the  
16 statute law of Virginia on said  
17 real estate, & that the rents & profits  
18 of said land will in 5 years  
19 pay your orators said judgment,  
20 but as to this your orator is informed  
21 that other judgments will be obtained  
22 at the next term of your Honors  
23 Court & that a sale of said land  
24 may become necessary & that  
25 your orator alleges that there are  
26 perhaps other judgments existing against  
27 said Edwards.

28 The object therefore of this Bill is  
29 to enforce this said judgment  
30 lien on said real estate & to  
31 subject said land by renting or  
32 sale or so much thereof as may  
/



1 be necessary to the payment of said  
2 judgment, interest & the Cost of this  
3 suit & for this purpose an account  
4 be taken of the liens against said  
5 said real estate.

6 The prayer therefore of your Orator  
7 is that the said James Edwards  
8 be made a party defendant to this  
9 Bill & answer the same, but not  
10 under oath, that being waived, that  
11 said real estate by renting or sale  
12 or so much thereof as may be necessary,  
13 be subjected to satisfy his said judge-  
14 ment claim, interest & cost of this suit  
15 & for this purpose an account of  
16 the existing liens, their priorities &  
17 amounts against said real estate  
18 be taken & that your Honor will  
19 grant unto your Orator such further  
20 & general relief as may be consistent  
21 with equity & the Case requires.  
22 May your Honor & C. And your  
23 Orator will ever pray &c.

24 Bridenore & Sewell J. G.



Costs up to Decr 14<sup>th</sup> 1900

Clerk 10.88 ~~7.50~~  
M. Com in Chy 5.00  
Cridlin Com 9.75

Witnesses 1.50

Bledsoe Sheriff 50

atty 15.00

Cd Clerk 1.25

Estimated \$43.02  
5.00

\$48.90

36

20

40

76

David Preston

Bill Chy

James Edwards

Copy of judgement & orig. execution  
enclosed

1898-1st October rules

bill filed Spa 24

+ Decree nisi

11 2nd Oct rules Decree

nisi could cause

set for hearing

final decree

Nov 13, 1902



David Preston

vs.

James D. Edwards

} In Chancery.

To the Hon. H. A. W. Sken, Judge of the  
Circuit Court for Lee County, Virginia:

Your petitioner, Wm Deering & Co., hum-  
bly complaining would respectfully  
show unto your honor that James D.  
Edwards in his life-time was in-  
debted to your petitioner in the sum  
of \$30<sup>00</sup>, with interest thereon from  
the 17<sup>th</sup> day of August, 1891, till paid,  
and \$1<sup>00</sup> <sup>costs</sup>, as is evidenced by judg-  
ment, an <sup>abstract</sup> copy of which is herewith  
filed marked "J", and which is  
prayed to be treated as part here-  
of.

The account of the indebtedness of  
the estate of the said James D. Edwards  
has been taken before a commissioner  
and closed. Your petitioner is not  
a party to these proceedings, and had  
no notice of the commissioner's sitting  
and did not therefore appear before  
said Commissioner and file its said  
judgment, and it is not therefore  
reported as a liability of said estate.

Wherefore your petitioner prays that it be  
allowed to file this its petition in the above



styled cause, and that it be admitted  
as a party defendant, and that this its  
petition be treated as an answer in  
this cause, and that said plaintiff,  
David Preston, and <sup>James J. Milham, Admr. &c.</sup>  
<sup>Jesse Edwards, Jas. H. Edwards, Thos. G. Edwards, D. C. Sewell, H. C. Ed-</sup>  
<sup>worps, Isara F. Lumberk, Henry Blankenship, and J. H. Barber,</sup>  
be made parties defendants hereto  
and be required to answer same, but  
they need not do so on oath, That  
at a hearing hereof your honor will  
provide by proper decree for the payment  
of your petitioner's judgment, and  
for such other and further relief as  
to equity may seem proper.

And your petitioner will ever  
pray &c. A. M. Guins, Jr. &c.

David Preston

vs. { Petition of  
Jas. Deering & Co.

James D. Edwards.

Filed by leave of  
the Court Nov. 15<sup>th</sup>,  
1900.

A. B. Munnsey Clerk



## Judgment Lien Docket.

Date of Judgment	By What Court Rendered	Time of Docketing	Names and Description of Parties	Debt, Damages, Interest and Costs.	Amount and date of credits
Dec 3 <sup>rd</sup> 1894	H.C. Joslyn J.P.	Nov. 12 1900	Wm Deering & Co. Plff. vs E. D. Delet. James D. Edwards Def.	Judgment for \$30 <sup>00</sup> with interest thereon from the 17 <sup>th</sup> day of August 1891, till paid & \$1.00 costs, &c. 25¢	

A copy, Teste:

B. M. Morgan Clerk

Clerk's fee for copy 25¢ Paid by am. Goins, atty



"8."



David Preston                    )  
Vs.                                )  
James Edwards at al.) In Chy.

Upon the calling of this cause the death of the defendant was suggested and thereupon said cause is, by consent of Wm.J.Mileham, administrator of the said James Edwards, revived against him, and by like consent of Jessee Edwards, Jas.H.Edwards, Thos.G.Edwards, a part of the heirs of James Edwards deceased, who have sold but not conveyed theri interest in said land in the bill and proceedings mentioned, to D.C.Sewell, and D.C.Sewell who has purchased and had conveyed to him the interests of H.E.Edwards, ~~the said James Edwards, Thos.G.Edwards, a part of the heirs of James Edwards deceased~~ Ijara F.Lambert and Mary Blankenship in said land, this suit is revived against them, and said D.C.Sewell for himself and as attorney for said Jessee Edwards, Jas.H. Edwards and T.G.Edwards appeared and waived process of revival survivor; and an order of publication is awarded against J.H.Absher the only remaining heir at law of the said James Edwards, deceased, to show cause why the said suit should not be revived against him; and the cause coming on to be heard upon the papers formerly read and the revival against the above named parties, and it appearing necessary, it is adjudged, ordered and decreed that Geo.P.Cridlin who~~x~~ is appointed a commissioner for the purpose, do take and state and further, full and complete account of the indebtedness of the said James Edwards, taking as a basis for his said account the account heretofore stated by A.B.Munsey, a commissioner appointed for the purpose, which account has been confirmed by the Court. Said Commissioner Cridlin will hear proof of such further indebtedness as may be presented against the estate of said decedent and allow the same if properly proved; he will file the evidence upon which he acts with his report, and will report his action to the next term of this court. Before proceeding to act said commissioner will post notice of the time and place of his sitting at the front door of the Courthouse for 20 day and will give due notice to the parties or their attorneys of the same. And this cause is continued.



David Preston  
vs. { Decree  
James Edwards et al

Con-on C.C.B No 6.  
p 413.

Enter this decree  
H a w shen

June 14 1900.



1 David Preston Plff  
2 against } In chie  
3 James Edwards Defk

4 This cause came on this day to be  
5 again heard upon papers formerly read  
6 & the report of special Commr. A.B.  
7 Munsey filed Feby 1896 to which  
8 there are no exceptions & was argued  
9 by counsel. On consideration whereof  
10 it is adjudged, ordered & decreed that  
11 said report <sup>& statement filed therewith</sup> be & the same are hereby  
12 confirmed; ~~It is~~ therefore adjudged  
13 ordered & decreed that D.C. Sewell  
14 assignee of David Preston recover of  
15 James Edwards the sum of \$76<sup>15</sup>  
16 with interest on \$71<sup>00</sup> part thereof from  
17 March 1<sup>st</sup> 1896 till paid; that Prudence  
18 <sup>& Sewell</sup> recover of James Edwards \$114<sup>81</sup> with  
19 interest on \$100<sup>00</sup> part thereof from the  
20 1<sup>st</sup> day March 1896 till paid; that  
21 J.A.G. Hyatt recover of the same \$28<sup>43</sup>  
22 with interest on \$24<sup>38</sup> from 1<sup>st</sup> Mch 1896  
23 till paid, that H.M. Miles recover of  
24 the same \$19<sup>01</sup> with interest on \$17<sup>50</sup>  
25 from 1<sup>st</sup> Mch 1896 till paid & that H.J.  
26 Morgan for the benefit of D.C. Sewell  
27 recover against the same \$32<sup>11</sup> with  
28 interest from 1<sup>st</sup> Mch 1896 till paid;  
29 that the plaintiff recover <sup>of the defendant</sup> the cost of this suit & that all of  
30 the above recoveries are liens  
31 against the real estate of said  
32



1 James Edwards & their priorities  
2 are in the order name above.  
3 It is further adjudged, ordered ~~and~~  
4 decreed that unless the said  
5 James Edwards pays the recoveries  
6 herein within 20 days from the  
7 rising of this Court, then D.C. Sewell,  
8 who is hereby appointed a commis-  
9 sioner for the purpose, will rent the  
10 land in the proceedings mentioned  
11 on some court day, at the front  
12 door of the court house, at public  
13 outcry to the bidder who will pay  
14 the recoveries herein <sup>including cost of renting</sup> for the shortest  
15 period of time <sup>not exceeding 5 years.</sup> ~~not exceeding~~  
16 ~~of 4 years~~ He will require <sup>the</sup> person  
17 renting said land to pay down  
18 a sufficient sum to pay the  
19 cost of this suit & expense of  
20 renting & to execute bonds <sup>in equal installments</sup> pay-  
21 able at the end of each rental  
22 year for the deferred payments  
23 with good personal security bearing  
24 interest from day of renting. He  
25 will advertise the time, terms &  
26 place of renting for at least 30  
27 days prior to day of renting by  
28 posting <sup>two or more</sup> written or printed notices  
29 one of which shall be on the court  
30 house & one in the vicinity of  
31 said land, but before proceeding  
32 to execute this decree he will



1 execute bond before the clerk of  
2 this court in the penalty of \$400<sup>00</sup>  
3 conditioned according to law. ~~At~~  
4 He will report his action to a  
5 future term of this court &  
6 this cause is continued.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



Daniel Preston

Decree to rent  
15 16 17

James Edwards

Nov. 7. 1896

Entered in Chy. O. B.  
No. 4 p 483.4.

Enter this

Nov 10 1896



David Preston  
                    against                      } In Chancery  
James Edwards

This cause came on this day to be heard upon the Bill of the Plaintiff & exhibits filed therein & was argued by counsel. On consideration whereof & it appearing that the defendant has been served with process as required by law & he having failed to appear & plead, answer or demur the Plaintiffs Bill is taken for confessed & it is adjudged ordered & decreed that David Preston recover of the defendant, James Edwards the sum of seventy ~~one~~ <sup>two</sup> dollars with interest on \$71.00 part thereof from the 15<sup>th</sup> day of April 1895 till paid & the cost of this suit, & it <sup>& that the same is a lien on the land in the Bill</sup> being suggested that there are other liens against said lands, it is ordered that A.B. Munsey, who is hereby appointed a Commissioner for the purpose, <sup>will</sup> ascertain & report all liens against said Edwards land, their amounts & priorities & to whom due & also whether or not said land will



in five years rent for a sum  
sufficient to pay off said liens.  
He will give due notice of his  
sitting by posting written notice  
of the time & place thereof & any  
fact deemed pertinent by him-  
self or required by any one in  
interest & support his action to  
a future term of this Court &  
this cause is continued.

David Preston

vs } Deceit - 1 -  
for account -

James Edwards

No. 2. 1895-

O. B. O. 282

Enter this

W. J. M.  
Nov. 13<sup>th</sup> 1895



Virginia

At a circuit Court continued and held for Lee County at the Court-house thereof on Wednesday Nov the 13<sup>th</sup> 1895-

David Preston Plff

against

James Edwards Deft

} In Chey

This Cause came this day to be heard upon the bill of the plaintiff & exhibit filed therewith & was argued by Counsel. On consideration whereof & it appearing that the defendant has been served with process as required by law & he having failed to appear & plead answer or demur the plaintiff's bill is taken for confessed & it is adjudged ordered and decreed that David Preston recover of the defendant, James Edwards the sum of Seventy two dollars with interest on \$71.00 part thereof from the 15<sup>th</sup> day of April 1895. till paid & the Costs of this Suit & that the same is a lien on the land in the bill mentioned & it being suggested that there are other liens against said lands it is ordered that A. B. Munsey who is hereby appointed a Commissioner for the purpose



will ascertain & report all liens a-  
gainst Said Edwards, land their a-  
mounts & priorities & to whom due  
& also whether or not Said land will  
in five years rent for a sum suffi-  
cient to pay of Said liens. He will give  
due notice of his sitting by posting  
written notices of the time and place  
thereof & any fact deemed pertinent by  
himself or required by <sup>any</sup> one in interest  
& report his action to a future term  
of this Court, & this Cause is continued  
A Copy Teste

A. B. Munsey Clerk

David Preston  
v. Copy of Decree  
James Edwards

Executed Jan 20<sup>th</sup> 1896  
By Delivering an office  
Copy of the within  
Sumas to A. B. Munsey  
This Jan 20<sup>th</sup> 1896  
Wm P Weston J. C.

Clerk 75<sup>cts</sup>  
Copy  
For A. B. Munsey



The deposition of James Edwards taken before me, Geo.P.Cridlin, Special Commissioner in the matter of Account pending before me in the Chancery cause of David Preston Vs. James Edwards et al, which deposition is intended to be read as evidence in ~~xxx~~ support of a claim presented against the estate of said Edwards by C.W.Ely & Co.

Present T.J.Ely on eof the firm of C.W.Ely & Co., and D.C. Sewell in his own proper person and as attorney for the heirs of said Edwards.

~~Q.1.~~ James Edwards a witness of lawful being duly sworn deposes as follows:

Q.1.-- Do you know the fact that your father James Edwards bought goods at the store of C.W.Ely & Co. during the year of 1898 and 1899?

A.-- I never saw him buy any, but he told me that he had bought some there, and he brought some things to my house that he told me he had bought there.

Q.2-- Did you hear him say anything about getting a bolt of domestic at said store?

A.-- I think he told me he got ~~xxxx~~ <sup>a bolt</sup> domestic there.  
T.J.Ely

Q.3.-- Do you know of me getting some corn from your father during the fall of 1898?

A.-- I do know of your getting some corn there, but I don't know how much.

Q.4.-- Did you hear your father say something about having some corn at his place that he wanted to let me have on a store account?

A.-- I don't recollect of hearing him say anything about it.

#### Cross Examination.

X.Q.1.-- Can you state the account of C.W.Ely & Co. is correct, due and unpaid?

A.-- I cannot.

X.Q.3.-- In the conversation with your father did your father state he would was due C.W.Ely & Co. any amount, if so state what?

A.-- About August 1899 I heard him say that he got a pair of shoes and pair of drawers there and that he owed for the still which he was to pay in wheat, but he did not so pay it.

X.Q.3.-- By way of refreshing your mind, did he not state that that



was all that he owed the firm?

A.-- He didn't say anything about owing anything else then, but before that he had told me that he had paid up.

X.Q.4.-- You speak of your father paying for them some corn, do you know how many wagon loads were gotten by said Elys, if so state it and when it was?

A.-- Bob James went up by my house and got from my father's place for Mr. Ely two or three loads of corn, some good corn and some short. I don't know the amount.

X.Q.5.-- If it is not your best impression and remembrance that he got two loads of good corn and a load of nubbins.

Obj.-- The foregoing question is objected to because witness has answered the same question above.

T.J. Ely.

A.-- I believe that he got three loads of corn, but I may be wrong, it may have been two.

X.Q.6.-- State if you know what the contract price was for the corn?

A.-- I don't know.

X.Q.7.-- Did you ever hear any member of the firm of C.W. Ely & Co. say or your father say what he was to get for the corn, if so state what it was?

A.-- I heard my father say he was getting 30 cents for sound corn and half price for nubbins

X.Q.8.-- Did he state that he was to pay out of the 30 cents anything for hauling it?

A.-- I don't think he did.

X.Q.9.-- Did you ever hear any of the firm of C.W. Ely & Co. say how much your father was due then, since his death, if so state what they said?

A.-- I never did.

Re Examination.

Q.1. Don't you know of your father buying other things from C.W. Ely & Co. ~~other~~ than we have been talking about?

A.-- I know of his getting my two little girls <sup>each a</sup> ~~some~~ calico dresses, three handkerchiefs and some candy. ~~xxxxxx~~

And further this deponent saith not.

J. H. Edwards



David Preston  
V. { Depositor  
James Edwards et al



This day personally appeared before me Geo. M.  
Blankenship and made oath that the annexed  
account in favor of J. W. & W. E. Orr for the sum  
of \$9.90 is due and owing. This Oct. 5th, 1900

Geo. P. Cridline  
Spec. Comm.



J. W. & W. E. Orr,  
General Merchandise,  
MANUFACTURERS AND DEALERS IN  
HIGH GRADE ROLLER FLOUR.

Jonesville, Va., Aug 23 1900

James Edwards Deed  
1900 To J. W. & W. E. Orr

Jan 20. 1 Suit - clothes  
1 white shirt -  
1 PN 1/2 shoe

\$8.75-  
1.00  
15-  
\$9.90

Barical Good -

Sworn to before me, by W. E. Orr, this 23rd  
day of Aug. 1900,

Geo. P. Cridling  
Special Comr.



David Preston  
vs. {  
James Edwards  

---

Account of J. W. +  
W. E. Orr.  

---

Voucher  
"No 1,"



The Estate of James Edwards  
To W. S. Crowell Dr  
1900 Jan 20 To a coffin for the Burial  
of James Edwards \$18.00

Sworn to before me by W. S. Crowell this the  
15<sup>th</sup> day of Aug. 1900.

Geo. P. Cridlin  
Special Commr.

Geo. M. Blankenship personally appeared before me this day and made  
oath the above account to W. S. Crowell is just due and due. This  
Oct. 5<sup>th</sup> 1900.

Geo. P. Cridlin Special Commr.



David Preston  
vs. {  
James Edwards

Account of ~~James~~  
W. S. Crowell.

Voucher  
"No. 2"



Estate of James Edwards  
1900 To A. L. Russell  
Aug 23 To plank to cover grave of said  
Edwards

dDr.

\$ 50

Sworn to before me, Geo. P. Bridlin  
Special Commr. by A. L. Russell. This Oct.  
17<sup>th</sup>, 1900.  
Geo. P. Bridlin  
Spec. Commr.



Vaucher

"No 2"



Jamesville Va  
Oct 19<sup>th</sup> 1900

James Edwards Dec  
Estate D<sup>y</sup>

To Mr B Spencer for  
medical attention self  
last illness

To 3 visits & medicine - \$6.00

Sworn to before me by Mr. B Spencer  
this the 19<sup>th</sup> day of October 1900.

A. B. Munsey C. C.

Virginia Lee County to wit:

This day personally appeared before  
me A. B. Munsey Clerk of the Circuit  
Court for Lee County, George M  
Blankenship and made <sup>that</sup> the  
foregoing account is just and  
unpaid, this the 19<sup>th</sup> day of October  
1900.

A. B. Munsey Clerk



James Edwards Sr  
apre

Mr B Spence

\$600

Voucher  
"No 4"



Mr. James Edwards

Jonesville District. No. 3.

To E. S. FLANARY, Treasurer Lee County, Virginia, Dr.

No. P	No. L	1899	State Tax 30	St'e sch'l tax	Co. Levy 25	Road Tax 30	Co. sch'l tax	Dis Schl tax	TOTAL AMT.
			cts. on \$100	10 cts on \$100	cts. on \$100	cts. on \$100	10 cts on \$100	10 cts on \$100	OF TAXES.
Head Tax		Val.	\$1 00		50				\$1 50
Per. Prop.									
No. 1	Traacts								
140	Acres	700	2 10	70	1 75	2 10	70	70	8 05
Lots									
TOTAL									8 05
5 per cent pen'ty									40
									8 45

Received Payment

from D. C. Sewell

D. Treasurer.



Voucher  
"No. 5"



\$ 1/67

Gouersville Va June 17 1895

One days after date I promise to pay  
to C. A. Russell

One & 64/100 Dollars,  
100

for store account

Without offset. Value received, waiving all Homestead and Exemption Laws as to this debt.

Witness Hand and Seal.

No

Due,  
Witness E. H. Russell.

James <sup>his</sup> Edwards [SEAL.]  
mark [SEAL.]



Forcher  
"No. 6"



\$ 13.70

January 11th 1896

One day after date I promise to pay

to Mr. B. Spencer

Thirteen and  $\frac{70}{100}$

70 Dollars,  
100

In medical attention & medicine

Without offset. Value received, waiving all Homestead and Exemption Laws as to this debt.

Witness Hand and Seal.

No.

Due,

His  
James Edwards  
mark

[SEAL.]

[SEAL.]



Voucher  
"No. 7"



The Estate of James Edwards died

To George M. Blankenship

Dr.

1898 & 1899. To board, attention, &  
care of said Edwards  
in last two years of his  
life time & during his  
last illness.

\$157.50

Cr

by Small effort such as old  
bed & some bedding left  
at my house by said  
Edwards, which he wanted my  
wife Chavis in fact gave them  
to her but I am willing for this audit 12.50

Aug 1<sup>st</sup> 1900 bal Due - - - - \$145<sup>00</sup>

Sworn to before me by George  
M. Blankenship. This Aug 1<sup>st</sup> 1900 -  
Geo. P. Cridlie  
Special Comr.



David Preston  
vs. {  
James Edwards

---

Account of Geo.  
M. Blakeuship.

voucher  
"No 8"



(Memo.)

On a compromise it is agreed between parties interested that \$20.00 shall be allowed and accepted by claimant in full satisfaction of this account.



James Edwards Sr to  
Maggie J. Sergeant Debtor,  
To waiting upon washing for  
and boarding said James Edwards  
while at my house

For the year 1897	\$25.00
For the year 1898	\$25.00
For the year 1899	\$25.00
Total	\$75.00

Sworn to before me this the  
4<sup>th</sup> day of June 1900, by Maggie  
J. Sergeant.

H. L. Woodward,  
Commissioner in Chancery.



Maggie J. Segent  
vs } Account

James Edwards Dr.

The filing & allowance  
this claim by the Court  
is objected, because:

- 1<sup>st</sup> Too indefinite
- 2<sup>d</sup> not correct,
- 3<sup>d</sup> all matters between  
parties are paid &  
settled before the death  
of James Edwards -
- 4 The affidavit is in -  
competent -

D. C. Sewell  
for Self & Deft.

Voucher  
"No 9"



1898	James Edwards Sr		
	Brought of O.W. Ely & Co		
March 7	To 1 Gd Domestic		.07
Aug 5	" One Gent's Belt		25-
" 6	" One boy Sprigs		.05-
" 27	" One Veil 100 1# Candy 10		1.10
Sept 6	" One Slate 18- Candy 5-		.20
Oct 18	" 1 1/2 #s Cheese		18-
1899 Jan 13	" Thread 5- Buttons 5-		.10
" 21	" One Bott Domestic 50 yds at 5-		2.50
" "	" 3 yds Rg James at 25-		.75-
" "	" 4 " Prints " 64		.25-
" "	" 2 S of Thread		.10
" "	" 4 # Coffee		.60
" 23	" 1 Pr Buttons (Shoes)		1.50
" "	" 5 yds Prints		.25-
" "	" 1/2 Candy 5- Thread 5-		.10
" 25	" 8 yds Prints		.54
Feb	" " Thread 5- Buttons 5-		10
" "	" Hauling Corn	700	2.00
" "	" 20 bushle Corn at 35-	5.00	
" "	" 10 " Short Corn at 17 1/2	1.75	
" "	" " " "	7.25	
" "	" Writing Paper		.05-
Feb 4	" 1# S Leather 35- 2 boy Sprigs 10		.48-
April 9	" 1 Coffee Mill		.50
" 11	" 1# Candy		.10
" 20	" Cash at Jmetwill		.50
		6.25	12.21



Aug 8	Transf from other page	12.21
"	" By Credits " " "	<del>625</del> 8.75
"	" To 1# Candy	.10
" 12	" Packet Knife	.35
" 20	" 1 Pr Drawers	.25
"	" Sole Leather	.15
" 24	" Springs	.05
"	" 1 Pr Shoes & Socks	<u>1.60</u>

Cr by 46 cts

875  
~~46~~  
 9.21

814.71  
~~9.21~~  
805.50

Sworn to before me by T. J. Ely. This  
 the 15<sup>th</sup> day of October, 1900

A. B. Munsey, C. C.

True and 5<sup>50</sup>

Acct. of C. W. Ely & Co

Voucher  
 "No. 10"



The depositions of Maggie Sargent and others taken before me, Geo.P.Cridlin special Commissioner in the matter of account pending before me in the Chancery cause of David Preston Vs. James Edwards et al to be read as evidence in support of a claim presented against the estate of said Edwards by Maggie Sargent.

Present I.L.Woodward attorney for the said Maggie Sargent and D.C.Sewell attorney for plaintiff and the heirs of James Edwards.

Maggie Sargent a witness of lawful age being duly sworn deposes as follows:

Obj.-- The testimony of this witness is excepted to, she being the claimant of the alleged account and the said James Edwards being dead.

D.C.Sewell.

Q.1.-- State your age, residence and occupation.

A.-- I am 30 years old, reside at Accia, Va. I am a farmer's wife.

Q.2.-- Have you filed an account of \$75.00 against the estate of James Edwards deceased, and if so please state what said account is for?

A.-- I have filed such an account, ~~washing~~ It is for washing, waiting on him and for board.

Q.3.-- How long was he at your house when you did this work for him?

A.-- He was there a third of the time.

Q.4.-- During what years did this period cover when he was at your house?

A.-- 1897, 1898 and 1899.

Q.5.-- Did he ever pay you for the work you did for him, and is your account of \$75.00 just, due and owing?

A.-- He never paid me. The account is still just, due and owing.

Q.6.-- Please state whether or not James Edwards was very troublesome to wait upon and work for?

A.-- He was troublesome to wash for and wait on.

Cross Examination.

Not waiving the above objection, but relying thereon we will ask the following:



X.Q.1.-- Are you a married lady?

A.-- Yes sir.

X.Q.2.-- Were you a married lady at the time that you claim for boarding Mr. Edwards, and what is your husbands name?

A.-- I was married at said time. My husbands name is James Sargent.

X.Q.3.-- Where were you living during the years of this account?

A.-- I was living on James Edward's place.

X.Q.4.-- Were you his tenant and renting the land from him?

A.-- My husband rented land of him.

X.Q.5.-- Who furnished the supplies for your house during these years?

A.-- James Sargent.

X.Q.6.-- How comes it then that the account for boarding said James Edwards is made out in your name and for your benefit?

A.-- Because I washed and waited ~~for~~ him, and cooked for him.

X.Q.7. You say you waited on, <sup>live</sup> in what did your waiting on him consist?

A.-- I washed his bed where he slept and cleaned the floor after him, and cooked for him. He was sick six or eight days and I waited on him.

X.Q.8.-- Please state the time, the number of months or days and the time of the month that you waited on him in the year 1897?

A.-- He was there different times of the week and month, I couldn't tell the date of the month.

X.Q.9.-- Can you tell any month, any week, or any day of the year 1897 that he was there?

A.-- I don't believe I can.

X.Q.10.-- Can you tell any month, week or day in the year 1898?

A.-- He was there in February, I think, and staid three weeks. He missed some meals, he would go some days about among the neighbors and come back at night. He missed some nights and come back for his breakfast.

~~X.Q.11.-- Can you state the months, days, or weeks in 1899.~~  
He was there days after days all through the year. He would stay a day and night and some time two days and nights.

X.Q.11.-- State the months, weeks and days that he staid there during the year 1899?

A.-- He was there all through the years, was sick there in August of that year about six days.



WX.Q.12.-- When did you and your husband move on said Edwards farm and when did you move away?

A.-- We went there in 1896, April 22nd. We moved away in October, I think, 1899.

X.Q.13.-- Did he stay there in the year of 1896?

A.-- He did, but Mrs. Sargent was the head of the house then. By Mrs. Sargent I mean my husbands mother.

X.Q.14.-- Did they charge him for the times he stopped with them?

Obj.-- The foregoing question is objected to because immaterial.

H.L.Woodward, Atty.

A.-- I don't know. He paid board awhile there, I don't know when it was though.

X.Q.15.-- You say that Mrs. Sargent, your husband's mother, was the head of the house in 1896, which is the head of it since then, you or your husband, James Sargent?

A.-- He furnishes what is to eat and I cook it.

X.Q.16.-- Have you any property in your own right at all, sufficient to pay the cost of the proceedings if it should go against you?

Obj.-- The foregoing question is objected to because it wrongfully prejudices the rights of the claimant.

H.L.Woodward. Atty.

A.-- I have no property in my own name.

X.Q.17.-- Your husband, James Sargent has, has he not?

A.-- He has.

X.Q.18.-- In what way did you keep your account against James Edwards?

A.-- I kept an account of some of the meals and washing and waiting on him, but did not put it all down.

X.Q.19.-- Why didn't you put it all down?

A.-- I commenced. and he was there so much, that I just didn't put it all down. I knew the month and the year that he was there.

X.Q.20.-- What did you put it down on?

A.-- On writing paper.

X.Q.21.-- Have you that paper?

A.-- I think I have it at home, if it is not lost.



X.Q.22.-- Will you please furnish it to the Commissioner before this account is closed?

A.-- I will if I can find it.

X.Q.23.-- Was this account, now presented, made off from that account?

A.-- No sir, I did not have it <sup>with me</sup> when this account was made off

X.Q.24.-- From what did you make it off then?

A.-- I didn't make it off from anything, I just made it off for the work that I had done.

X.Q.25.-- Is it not a fact that James Edwards in his life time staid with several of the neighbors there about as much as he did with you?

Obj.-- The foregoing question is objected to because immaterial.  
H.L.Woodward.

A.-- He did not.

X.Q.26.-- Did he stay with them any at all?

A.-- Yes sir, He staid with John Ely's after he left my house four or six days. He staid all night at Ely's and ~~eat~~ dinner there at different time.

X.Q.27.-- In fact, wasn't it about this way, that he would come and stay a day or two or take a meal or so with you, then go over at some other neighbors and take a few meals, and then perhaps to another and this at occasional times?

A.-- No sir. He would eat in coming to and in going from my house at some of the neighbors.

X.Q.28.-- To whom did you first claim that you had an account against the estate of James Edwards?

Obj.-- Objected to because immaterial.  
H.L.Woodward.

A.-- My husband, I reckon.

X.Q.29.-- Who next?

A.-- I don't know as I told anybody else only my attorney.

X.Q.30.-- Did you ever claim to any one, that you had a debt against him until after his death?

Obj.-- Objected to because immaterial  
H.L.Woodward,

A.-- I don't remember it if I told any one else.

X.Q.31.-- Did you ever present said claim to him in his life time or



to any of his children since his death?

Obj.-- Objected to because immaterial

H.L.Woodward.

A.-- No sir.

X.Q.32.-- Isn't it a fact that you did not have any claim against him, but was persuaded by others to present an account~~x~~, they claiming that they would swear enough for you to get something?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I had an account against him. I wasn't persuaded by others to claim. I knew that others knew enough that they could prove my claim.

X.Q.33.-- Why did you never present it before he died?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- Just because he didn't have anything that I could get it out of. He said that Mr. Blankenship wanted his corn and he was going to take it there. He would always say it was sold when he would have anything.

X.Q.34.-- Did he not have the rent from the corn, wheat and oats that you raised on the place?

A.-- Yes sir, but he always sold it or took it to Mr. Blankenships.

X.Q.35.-- Why didn't you warrant him and levy on it for your debt?

Obj.-- Objected to because it is a repetition.

H.L.Woodward.

A.-- Just because he said he had sold it. He said he had sold some old corn to Tom Edwards. The Wheat and oats ~~were sold~~ were sown, what he didn't sell.

X.Q.36.-- Could you not have warranted him and levied on it before it was sown?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I don't know whether I could or not.

X.Q.37.-- Didn't he have the same property in his life time, and more too, than now belongs to his estate, that you could have made this debt out of?

A.-- He had land then.

X.Q.38.-- Why is it, anyway, that you never presented this account to him in his life time, and have moved away from his premises and waited



until after his death to present this claim?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- Just because I didn't think I could get it.

X.Q.39.-- If then he had lived five years longer, you would never have presented it would you?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I would have claimed until it ran out.

X.Q.40.-- If he had not died then until it ran out you would never have presented it?

A.-- I would if I could have seen any way to get.

X.Q.41.-- Was there not a very fine orchard on the premises of the said James Edwards?

A.-- There was.

X.Q.42.-- What went with the fruit during the years that you were there?

A.-- I dried some, and use some green fruit. I was entitled to two-thirds of it, and he one-third.

X.Q.43.-- Did you not sell any off of it?

Obj.-- Objected to because ~~immaterial~~ no account of off-set has been filed, and it is immaterial.

H.L.Woodward,

A.-- I sold a few bushels of green apples, and I think I sold a half bushel of pears.

X.Q.44.p- You say you were entitled to two-thirds of the fruit, by what right did you have that two-thirds?

A.-- It was in the writings.

X.Q.45.-- Where are those writings?

A.-- I don't know. I think maybe Mr. John Ely has them.

X.Q.46.-- Will you please produced them?

A.-- If Mr. Ely has ~~has~~ them now, I can produce them.

X.Q.47.-- Did you have any writings at all with James Edwards, for anything?

A.-- He had none with me, but did have some with my husband.

Re-Examination.

Q.-- You stated that the reason why you never presented this account



to James Edwards in his life time, was because you did not think you could get it, did you mean by that that he had no personal property out of which you could make the debt?

A. That was what I ment. ~~to~~

And further this deponent saith not.

*Maggie Sargent*

J.W.M.Ely, Jr., another witness of lawful age, being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation?

A.-- 31 years old, reside at Libby, and am farmer.

Q.2.-- Were you acquainted with James Edwards in his life time, and are you acquainted with Maggie Sargent?

A.-- I was acquainted with James Edwards, and I know Mrs. Maggie Sargent.

Q.3.-- How close did you live to the home of Maggie Sargent when she lived on the farm of James Edwards?

A.-- About 400 yards.

Q.4.-- Did you see James Edwards staying at Mrs. Sargent's during the years of 1897, 1898 and 1899, if so about how much of the time did he stay there?

A.-- I have saw him there at different times. I would put it that he staid there one-fifth of his time.

Q.5.-- Do you not think it probable that he stayed there more than one-fifth of his time?

A.-- He might have staid there more or less, but I can't tell which. I just judged from seeing him around there that he staid about one-fifth of his time.

Q.6.-- Please state whether or not you know how troublesome it was to wait on said Edwards, and what condition he would leave the bed in when he slept?

A.-- I know a little about. There was no trouble <sup>while he was well</sup> out-side of ~~the bed~~ the fact that he nastied the bed, ~~while he was well~~.

Q.7.-- Do you know of his being sick at Mrs. Sargent's?

A.-- I do.



Q.8.-- Did any one ever tell you to advise Sergent to bring an account against James Edwards after his death, if so who?

Obj.-- Objected to because immaterial.

D.C.Sewell.

A.-- Yes. Alex Smith, Charles ~~Smith~~ <sup>Ealy</sup> and D.C.Sewell and some others

Q.9.-- Do you think this account a reasonable sum for the work which Mrs. Sergent did for James Edwards?

A.-- I think it is. I would not do it for that.

#### Cross Examination.

X.Q.1.-- How many meals did you ever see James Edwards eat in that house in the last three years.

A.-- I will say that I have seen him eating at Jim Sergent's table as much as thirty or forty time in the last three years.

X.Q.2.-- How many nights do you know of his having slept there during this time?

A.-- I never saw him in the bed there at night but very few times. I have seen him there lots of times late of evening and early in the morning. I didn't stay there and never saw him except just when I dropped in.

X.Q.3.-- Is it not a fact that he stopped at your house and at Newton Charles' house and at Alex Smith's house about as often as he did at Sergent's?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- No he did not, to my knowledge.

X.Q.4.-- He did stay considerably at those houses, did he not?

A.-- He staid at my house some, but I don't know about his staying at the other houses except what I have heard.

X.Q.5.-- Do you know whether or not Sergents took anything out of the crpps or of the fruit to pay for the said James Edwards staying at their house.

Obj.-- Objected to because immaterial and indeffinite.

H.L.Woodward.

A.-- I know nothing about the rents.

X.Q.6.-- Did you, after the death of James Edwards have a conversation with James Sergent, the husband of said Maggie Sergent about this



account, if so, tell all that was said in that conversation?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I had no conversation about his wife's account, but did ask him about his having an account.

X.Q.7.-- Did you have any conversation with the said Sergeant after the said Edward's death about putting any account in against him, if so state all that was said?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I did have a conversation. I asked him if he was going to put in an account against James Edwards, and he said he had been studying about it, ~~KNOWING THAT HE COULD GET IT~~ but he didn't know whether he would or not but that he ought to. I told him that <sup>if</sup> I was him I would do it, and that the estate was going to be gobbled up and that he had just as well be heir in the "Polk" as anybody, and that I had heard several say that he ought to.

X.Q.8.-- Is this all you remember that was said on that occasion, if not state in detail all of it?

A.-- This is about all I remember. I told him that Dave Sewell said he could get, and I told him, that he knew <sup>James Edwards</sup> ~~He~~ confessed judgment on Dave Preston's claim, and I ~~argued~~ advised him to bring the account, by being advised by others to tell him.

X.Q.8.-- Did you not argue with him, and persuade him to bring in this account?

A.-- I only told him to, by being requested to by others, and that it was nothing to me for him to bring or not bring, and that I didn't care what he did about it.

X.Q.9.-- Did you not present the fact of the Dave Preston ~~fact~~ judgment and what you say Dave Sewell said to you as an argument to induce him to bring his account, if not why did you bring in those things?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I told him that just so he would see what chance he would have.

X.Q.10. Did he then and there decide to bring it or not, or did he go away undecided?

Obj.-- Objected to because immaterial.

H.L.Woodward.



A.-- He just said he would see about it.

X.Q.11.-- You say that Dave Sewell had before that conversation told you to tell him to bring it in, that he could get it, was that a fact?

A.-- ~~xxxxxx~~ Yes.

X.Q.12.-- When and where did Dave Sewell tell you that?

A.-- It was before this conversation and I believe in Jonesville.

X.Q.13.-- Did Dave Sewell ever have but one conversation with you in regard to this Sargent matter, and was not that conversation after your conversation with Sargent.

A.-- We had one conversation before the conversation with Sargent and I told him afterwards what Sargent said.

X.Q.14.-- In the conversation with Sewell after your conversation with Sargent did you not tell Sewell that you were persuading Sargents to bring in an account against the estate of James Edwards and that Sargent said he had not decided whether he would or not?

A.-- I do not know what words I used, but I told Sewell that I had told Sargent to bring it, and that Sargent said he didn't know whether he would or not.

X.Q.15.-- ~~Didnt you also tell Sewell~~ Do You know of Maggie Sargent selling any fruit from Edward's orchard?

A.-- Yes.

X.Q.16.-- Have you a written contract between James Sargent and James Edwards for the renting of this land for the years of 1897, 1898, 1899.

A.-- I have got one I think for 1898, and I think I have seen one for 1897. *I will produce contract if I can find them*

~~And further this deponent will not.~~

X.Q.17.-- Did not Sargent waste and distroy more than enough of the grain raised on the Edwards to have ~~xxxxxx~~ <sup>farm</sup> ~~xxxxxx~~ Edwards more than paid for what time he boarded there, and di you not so state to James H. Edwards or words to that effect?

Obj.-- Objected to because incompetant and immaterial.

H.L.Woodward.

A.-- There was a good deal wasted on the place, enough to have paid his board out-side of his washing and the trouble that he was, and I told James H. Edwards this.



X.Q.18.-- Did Sergent ever tell you that the old man, James Edwards, was welcome to stay at their house so long as he was renting them the farm for a third, or anything to that effect?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I heard James Sergent say that if Edwards would let him have all the farm that he would keep him all the time and pay a third as rent.

X.Q.19.-- Did you assist in measuring up the rent wheat belonging to James Edwards and left in the house and in the care of said Sergent, if so how much was ~~short~~ if any from what James Sergent said was put there.

Obj.-- Objected to because immaterial,

H.L.Woodward.

it

A.-- I did assist in measuring part of and according to ~~this~~ and <sup>short</sup> what Green Oxford and Jim Edwards reported it was about five bushels. I took away sixteen or sixteen and one-half bushels. Jim Sergent said that there was about forty-one bushels put there.

Re-Examination.

Q.1.-- Was not the reason Mr. Edward's crops were destroyed, because the fences which he had on his farm were not sufficient to protect the same, and did not other peoples stock besides Sergents ~~gathern~~ destroy part of said crops?

A.-- The fences were not sufficient to keep things out. Other peoples stock got in and destroyed some of the crops.

Q.2.-- Did Mr. Edwards rent James Sergent all of the farm?

A.--No.

Re- Cross- Examination.

Q.1.-- Did not the Sergents damage the crop by using same before they were matured, such as gathering roasting-ears and feeding on other crops before gathering time?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- They use some of it, but I don't whether they accounted for it or not.

Q.2.-- Did they use and cultivate this farm in a prudent manner or how did they use it?



Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- Not exactly. He neglected some things, did not always put thing out on time or ~~pu~~ work crops in time.

And further this deponent saith not.

Wit. / da \$ .50

*J. M. Ely Jr.*

Orlena E.Ely, another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age and residence?

A.-- I am 38 years old, live near Libby Va.

Q.2.-- Did you know James Edwards in his life time, and do you know Mrs. Maggie Sergent?

A.-- I did know James Edwards, and I know Maggie Sergent.

Q.3.-- About how much if any did you see James Edwards at the home of Mrs. Sergent in the years of 1897, 1898, 1899 ?

A.-- I have seen him there a great many times. I don't know exactly how much he staid there, I never paid much attention to it.

Q.4.-- Do you know whether or not \$75.00 is a reasonable sum for the labor which Mrs. Sergent did for said Edwards?

Obj.-- Objected to because leading and not the proper way of putting the question.

D.C.Sewell.

A.-- I think it would be reasonable.

#### Cross Examination.

X.Q.1.-- Do you know whether he had any contract to baord there or just stopping there at his old home while looking over his place and visiting his neighbors?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- I know nothing about his having a contract for boarding there.

X.Q.3.-- Do you know whether they would invite him to come back again when he would start to leave, or ask him to stay longer?

A.-- I have heard them ask him to come back.

X.Q.3.-- He stopped at your house often did he not?



Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- Sometime he would stop there when he was passing.

Re-Examination.

Q.1.-- Did you ever hear Mrs. Sargent ask Mr. Edwards to come back, or tell him she wanted him to come back?

A.-- I have heard her ask him to come back but never ~~zzz~~ heard her say that she wanted him to come. When he would invite her to come and see him at Mr. Blankenship's she would tell him to come back.

And further this deponent saith not.

*Wit 1 da \$.50*

*Orlena E. Ely.*

William Smith another witness of lawful age being duly sworn, deposes as follows:

Q.1-- State your age, residence and occupation?

A.-- I am 19 years old, live near Libbie Lee County, Va. I am a farmer

Q.2.-- Did you know James Edwards during his life time and do you know Maggie Sargent?

A.-- I did know James Edwards in his life time, and I know Maggie Sargent.

Q.3.-- Did you see James Edwards stopping at the home of Maggie Sargent in the years 1897, 1898, and 1899, if so about what part of the time did he stay there?

A.-- I did see him there during those years. He staid there about one-third of the time.

Q.4.-- Do you know of him being sick at her house ~~xxxx~~ during these years?

A.-- I do.

Q.5.-- Do you know whether or not Mrs. Sargent had much trouble in washing and working for Mr. Edwards?

A.-- I think she must have had.

Q.6.-- Did you ever hear her complain of the work she had to do on account of Mr. Edwards staying there at her house during Mr. Edward's life time?

Obj.-- Objected to because self-serving and immaterial.

D.C.Sewell.



A.-- I have.

Q.7.-- What do you think would be a reasonable sum for the trouble and labor which Mrs. Sergent had on the account of ~~Mr~~ Mr. Edwards being at her house?

A.-- About \$25.00 a year.

Cross Examination.

X.Q.1.-- Were you at the house of James Sergent a third of your time during the years 1897, 1898 and 1899?

A.-- What time ~~he~~ I lacked of being there I have heard of his being there.

X.Q.2.-- How much time did you lack?

A.-- But very little.

X.Q.3.-- That's very indefinite, give us this as definite as you did the other time.

A.-- I staid at least one-fourth of the time.

X.Q.4.-- Do you mean that you were there one-fourth of the time that James Edwards, was there.

A.-- Yes.

X.Q.5.-- Then you are guessing at three-fourths of the time?

A.-- I mean that I was there one-fourth of all the time.

X.Q.6.-- Then you were there all the time that Edwards was there and more too were you not?

Obj.-- Objected to because tending to mislead the witness.  
H.L.Woodward.

A.-- I was not there all the time that he was there.

X.Q.7.-- Name the number of days and the month that you saw him there and know that he was there in each year?

A.-- I cannot name them.

X.Q.8.-- Do you know of your own knowledge that he was there as much as ten days in the years 1897, if so state the month that it was in?

A.-- I know that he was there that many days and more to, but I can't state the month.

X.Q.9.-- Can you name any particular day that he was there in 1897?

A.-- I cannot.

X.Q.10.-- Tell me how you get at your estimate of what it is worth



to board him, if you can't remember any specific time?

A.-- I said he must have been there one-third of the time, and of course it must have been worth \$25.00 a year.

X.Q.11.-- You mean to say then that boarding him ~~and~~ &c. for a third of a year is worth \$25.00?

A.-- Yes sir.

X.Q.12.-- When did you first hear of this account?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- About four months.

X.Q.13.-- Who told you about it?

A.-- James Sergent or his wife.

X.Q.14.-- Did you ever hear your father, Alex Smith speak of it, before that?

A.-- I may have, I can't say.

X.Q.15.-- Isn't it a fact that you have heard him say that he was going to try to get them to present ~~them~~ a claim against the estate of James Edwards?

Obj.-- Objected to because immaterial.

H.L.Woodward.

A.-- No sir.

X.Q.16.-- How much did they say the claim was for when they first talked to you about it?

A.-- Somewhere between \$50.00 and \$75.00.

X.Q.17.-- Were they debating the question as to what amount it should be?

A.-- The first I ever heard said about it was that it was well worth \$25.00 a year.

X.Q.18.-- Did they have any account of it?

A.-- I don't know. They did show me any. that I remember of.

X.Q.19.-- What relation are you to Maggie Sergent?

A.-- Brother.

And further this deponent saith not.

Wit. 1 da. \$.50

A. W. Smith



I, Geo.P.Cridlin, Special Commissioner, do certify, that the foregoing depositions of Maggie Sergent, J.W.M.Ely, Orlena E.Ely and C.W.Smith, were duly taken, sworn to and subscribed before me at the law office of C.T.Duncan in the town of Jonesville, Va. and for the purpose in the caption mentioned, on the 6th day of August, 1900. Given under my hand this the 6th day of August, 1900.

Geo. P. Cridlin  
Special Commissioner.



David Preston  
vs. { Depositions in  
support of claim  
of Maggie Sargent.  
James Edwards & Co.

Witnesses

Maggie Sargent	
J. W. M. Ely	\$ . 50
Olivia E. Ely	50.
E. W. Smith	50
	<hr/> \$1.50



# List of liens against the real estate of James Edwards

1 David Preston Judgt before J P  
on the 15<sup>th</sup> April 1895 & Docketed in  
Judgt lien Docket Sept. 18<sup>th</sup> 1895  
Amt of Judgt 71 00  
Int from 15<sup>th</sup> of April 1895 to Mr 15<sup>th</sup> 1896 - 39 0  
add costs P.D.C.S. 125 ~~76.15~~

2<sup>nd</sup> To A L Pridemore & D L Sewell  
for Judgt Lee Co Circuit Court  
against J D Edwards & J H Edwards  
rendered on the 15<sup>th</sup> day of Nov 1895  
& Docketed on lien Docket  
Amount of Judgt \$ 100 00  
Int from 15<sup>th</sup> Feb 1895 to Mr 15<sup>th</sup> 1896 62 5  
add costs of suit S.S.D. 856 114.81

3<sup>rd</sup> To J A B Hyatt for Judgt before J P  
rendered 23<sup>rd</sup> Jan 1896 & Docket Jan 23/96 24.38  
Int from Apr 22<sup>nd</sup> 1894 to Mr 15<sup>th</sup> 1896 280  
Add Costs P.D.C.S. 125 ~~28.43~~

4<sup>th</sup> To H M Miles for Judgt before J P  
rendered Feb 15<sup>th</sup> 1896 & Docketed Feb 15<sup>th</sup> 1896 17 50  
Int from the 24<sup>th</sup> of Nov 1895 to Mr 15<sup>th</sup> 1896 26  
Costs P.D.C.S. 125 ~~19.01~~

Total liens reported \$ 238 40  
Add Costs of this Suit (Say \$30.00) 30 00  
~~\$ 268 40~~

5<sup>th</sup> To H. J Morgan Judgement for the  
benefit of D L Sewell before J P ~~\$448~~  
rendered the 11<sup>th</sup> day of April 1896  
Docketed May 9<sup>th</sup> 1896 with interests  
& Credits Counted down to June 4 1896 2.66  
Costs of Judgt 1.00 Docketing x 25 P.D.C.S. ~~2.57~~  
\$ 272.31

3.91



X<sup>2</sup> y



Commissioners Office  
Jonesville Va Feb 1st 1896

David Preston                      Plff }  
vs    } In Chancery  
James Edwards                      Deft }

To the Hon W. T. Miller Judge of the Circuit Court for Lee County

In obedience to a decree entered in the above styled Cause Novr the 13<sup>th</sup> 1895 I proceeded on the 1st day of February 1896 at my office in the Town of Jonesville Va, after having given the parties in interest due and timely notice, to ascertain the liens against the real estate of the Deft James Edwards, and as will be seen by Statement herewith filed marked "X"

The first or prior lien is in favor of David Preston, and amounts including interest & costs down to March 1st 1896 to the sum of \$76.15.

The 2<sup>nd</sup> lien in point of priority is in favor of A. L. Pridemore & D. C. Sewell and amounts on 1st day of March 1896. to \$114.81

The 3<sup>rd</sup> lien in point of priority is in favor of J. A. G. Hyatt, and amounts on the 1st day of March 1896. to \$28.43



last Lien in point of priority is in favor  
The 4<sup>th</sup> of H. M. Miles and amounts on the 1<sup>st</sup>  
Day of March 1896 to \$19.01

Total amount liens reported \$238.40  
To which I add costs of suit (Saj) 30.00  
\$268.40

The defendant James Edwards owns  
Valuable real estate and will rent for  
enough in five years to pay said liens  
and costs of this suit and commissions  
of renting.

Respectfully Submitted

A. B. Munsey Special  
Commissioner

Courts Fee \$5.00

— Supplemental —

Since filing the above report  
there has been filed <sup>docketed in J. C. S.</sup> a small  
Judgment in favor of H. J. Morgan  
for the benefit of J. C. Small I  
now report the same &  
append it as 5<sup>th</sup> Lien in  
Statement filed as above against  
the land of James Edwards  
May 9<sup>th</sup> 1896 Rept.

A. B. Munsey Comm.



David Preston  
vs Comrs Report

James Edwards

Filed Feby 1st 1896

A B Munsey  
Clerk

Comrs Fee \$5.00



At a Circuit Court for the County of Lee continued and held on the  
\_\_\_\_ day of June, in the year 1900, at the Courthouse of the said County

David Preston . . . . . Plaintiff.

Vs. } In Chancery.

James Edwards. . . . . Defendant.

EXTRACT FROM DECREE.

It appearing necessary, it is adjudged, ordered and decreed that Geo.P.Cridlin, who is appointed a commissioner for the purpose, do take and state a further, full and complete account of the indebtedness of the said James Edwards, taking as a basis for his said account the account heretofore stated by A.B.Munsey, a commissioner appointed for the purpose, which account has been confirmed by the Court. Said Commissioner Cridlin will hear proof of such further indebtedness as may be presented against the estate of said decedent and allow the same if properly proved; he will file the evidence upon which he acts with his report, and will report his action to the next term of this Court.

A Copy Teste:-

A.B. Munsey Clerk.

COMMISSIONER'S NOTICE

The parties interested in the decree from which the foregoing is an extract, and all parties having claims against the estate of said Edwards, will take notice that, on the 1st day of August, 1900, at the law office of C.T.Duncan in the town of Jonesville, I shall proceed to execute the said decree, when and where they are required to attend, with such books, papers, vouchers and evidence as will enable me to comply with said order of court.

This the 10th day of July, 1900.

Geo. P. Cridlin,  
Special Commissioner.



David Preston  
 vs. { Court's Notice  
 James Edwards & Co

Personal service of the  
 within notice is hereby accepted  
 This July 10<sup>th</sup> 1900.  
 D. C. Switzer

Legal service of the  
 within notice is hereby ac-  
 cepted as to the following  
 parties: David Preston,  
 Jesse Edwards, Jas. H. Edwards  
 and T. B. Edwards. This July  
 10<sup>th</sup> 1900.  
 D. C. Switzer atty

Service of the within notice is  
 hereby accepted. This July 10, 1900.  
 W. M. Leham Adm.

Special Commissioner.

A Copy Recd:-

Clerk.

Court.

with his report, and will report his action to the next term of this  
 same to properly proved; he will file the evidence upon which he acts  
 as may be presented against the estate of said decedent and allow the  
 said Commissioner Cridlin will hear proof of such further indebtedness  
 joined for the purpose, which account has been confirmed by the Court.  
 count the account heretofore stated by A. B. Munsey, a Commissioner ap-  
 pears of the said James Edwards, taking as a basis for his said ac-  
 count and state a further bill and complete account of the indebted-  
 Geo. H. Cridlin, who is appointed a Commissioner for the purpose, do  
 It appearing necessary, it is adjudged, ordered and decreed that

EXTRACT FROM DECREE.

James Edwards, . . . . . Defendant.  
 vs. . . . .  
 David Preston . . . . . Plaintiff.

At a Circuit Court for the County of Lee confirmed and held on the  
 day of June, the year 1900, at the Court house of the said County



To the Honorable H.A.W.Skeen, Judge of the Circuit Court  
for Lee County Virginia:

Your undersigned, who was by a decree entered in your Honor's Court on the 13th day of June, 1900, appointed a special Commissioner in the Chancery cause of David Preston Vs. James Edwards and others, and required to take and state further, full and complete account of the indebtedness of James Edwards taking as a basis for said account the account heretofore taken in said cause by A.B.Munsey Commissioner, begs leave to report:

That after giving notice as required by said decree, a true copy of which notice is hereto attached, your commissioner proceeded on the 1st day of August 1900, at the law office of C.T.Duncan in the town of Jonesville, to take said account, adjourning from time to time at the same place, until said account was completed. Your Commissioner files herewith a statement of said account as he has ascertained it, marked "Account No.2", and also vouchers and other evidence upon which he acted.

The first item in said statement ~~in said statement~~ is one in favor of J.W.& W.E.Orr for the sum of \$9.90 for burial clothes for said Edwards. This claim is admitted to by just and unpaid by all parties and is also properly proven.

The second item in said statement is an account in favor of W.S. Crowell for the sum of \$13.00 for coffin furnished for the burial of said Edwards. This claim is properly proven and is not contested by any of parties in interest.

The third item is account in favor of A.L.Pussell for the sum of \$0.50 for lumber furnished in and about the burial of said Edwards.

The fourth item is an account for the sum of \$6.00 in favor of Dr.M.B.Spencer for medical attention to said Edwards during his last illness. This is also properly proved, and is also

The fifth item in said statement is a claim of D.C.Sewell for the sum of \$8.45 for taxes paid by him which were levied in the life time of said Edwards on lands then owned by him and which are described in the pleadings in this cause. As appears by the papers in said



case said Sewell has purchased a greater part of the said land and is therefore entitled to recover such taxes as he is required to pay upon said lands which were levied during the life time of the said Edwards. Said Sewell produces ticket for said taxes properly receipted by T.J. Chandler, Deputy Treasurer, as having been paid by said Sewell, and your Commissioner thought it proper to allow said amount.

The sixth item in said statement is a bond in favor of C.A. Russell for the sum of \$1.61, with interest thereon from the 17th day of June 1895.

The seventh item is a bond in favor of M.B. Spencer for the sum of \$13.70, with interest thereon from the 11th day of January, 1896.

The ~~seventh~~<sup>eighth</sup> item in said statement is an account in favor of George M. Blankenship for the sum of \$145.00. This account was presented by Mr. Blankenship for boarding, caring for, and attention to, the said Edwards during the last two years of his life and during his last illness. It was at first presented for the sum of \$157.50, but upon an agreement with the parties in interest Mr. Blankenship allowed a credit of \$12.50 leaving a balance due of \$145.00, which sum said parties requested your commissioner to allow. Under the circumstances your commissioner thinks it proper to allow said sum of \$145.00 in full discharge of this debt, and he accordingly does so.

The ninth item in said statement is an account presented by Maggie J. Sergeant for waiting upon, washing for, and boarding, said Edwards during portions of the years of 1897, 1898 and 1899. Mrs. Sergeant filed this claim for the sum of \$75.00, and the allowance of the same was objected to by the heirs and representatives of the estate of said Edwards. After the taking of a number of depositions by said claimant in proof of her claim a compromise was effected between the parties, and your commissioner was requested by the parties in interest to allow, upon the proof, the sum of \$20.00, which sum said claimant agreed to accept in full satisfaction of her claim. This your commissioner thinks is an equitable settlement of the matter and he has allowed to said Mrs. Sergeant the said sum of \$20.00.



The tenth item in said statement, and the last, is an account in favor of C.W.Ely & Co. for the sum of \$5.50. This account was also contested by the parties in interest and the claimant took a deposition in support of his claim. Upon a compromise said claimant allowed some additional credits and said account placed in its present condition leaving a balance due said Ely & Co. of \$5.50. Your Commissioner was requested to allow this sum by the parties, and he accordingly does so.

Said claims as above set forth and as shown by statement "Account No.2" amount in the aggregate to the sum of \$233.13.

So far as your Commissioner is able to ascertain these are all *except those formerly reported in this cause by A.B. Munsey Esq.* of the debts, owing and properly payable by the estate of said Edwards.

Respectfully Submitted.

October 23rd, 1900.

Geo. P. Cridlin  
Special Commissioner.

Your Commissioner has been occupied in the taking of this account thirteen hours for which he charges \$.975.



David Preston  
vs. { Cour. Report.  
James Edwards  

---

Filed October 23rd 1900  
A B Munsay Clerk

---

Cour's. fee. \$9.75

---



A Statement of the Indebtedness of James Edwards.

1. Account in favor of J.W. & W.E. Orr for burial clothes. See Voucher "No. 1"..... *M.P.S. Pd -* 9.90
2. Account in favor of W.S. Crowell for coffin for Burial of said Edwards. See Voucher No. 2 *M.P.S. Pd* 18.00
3. Account in favor of A.L. Russell for plank to cover grave. See voucher "No. 3" .50
4. Account in favor of M.B. Spencer for medical attention during last illness. See Voucher "No. 4"..... *M.P.S. - Pd -* 6.00
5. D.C. Sewell, to taxes paid by him on the lands owned by said Edwards, and which were levied during his life time..... *D.C.S.* 8.45
6. Bond in favor of C.A. Russell, dated June 17th, 1895, due one day after date ..... \$1.61  
Interest on same to Nov. 1st, 1900..... *53 M.P.S. Pd -* 3.13
7. Bond in favor of M.B. Spencer, dated January 11th, 1896, due one day after date. (See voucher "No. 7"..... 13.70  
Interest on same to Nov. 1st, 1900..... 3.95 *M.P.S. Pd -* 17.65
8. Account in favor of Geo. M. Blankenship for board attention and care to said Edwards during last two years of his life and during last illness. See Voucher "No. 8"..... *M.P.S. Pd -* 145.00
9. Account in favor of Maggie J. Sergeant for waiting on, caring for and washing for said Edwards during years 1897, 1898 & 1899. See Voucher "No. 9"..... *D.C.S. Pd -* 20.00
10. Account in favor of C.W. Hly & Co. See Voucher "No. 10"..... 5.50
- Total as of Nov. 1st, 1900..... \$253.13



David Preston

vs.

James Edwards

"Account No. 2"



David Prestice  
Hf Copy Indgment  
James Edwards

CA<sup>to</sup>

Co B 25th



# Judgment

# Lien Docket

Date of Judgment	By what Court Rendered	Time of Docketing	Names and Description of Parties	Debt, Damages, interest and Costs.	Amount and date of Credits
1895. April 15th,	Justice of Peace	1895 Sept 18th	David Preston vs James Edwards Plff. } Deft. } debt,	Judgment for \$ 71.00 with interest from 15th day of April 1895, until paid + costs \$ 100.00 c 25;	

A copy -

Teste S. W. Richmond Clerk



# VIRGINIA--LEE COUNTY, TO-WIT:

TO W. P. Sprinkle Constable of said County:

I HEREBY COMMAND YOU TO SUMMON.....

James Edwards

If to be found in your District to appear at

Gonesville

in said county, on the

15<sup>th</sup> day of April

1895

before me or such other Justice of the said County, as may be thereto

try this warrant, to answer complaint of.....

David Preston

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$78.00 due

by

account

, and then and there make return of this warrant,

Given under my hand the 20 day of Apr 1895

H. C. Forsyth J. P.

David Preston

Against

James Edwards

On the 15 day of April 1895

(In debt.)

At Gonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$ 71.00, with interest thereon from the

15 day of April 1895, till paid, and \$ 1.00 for costs.

C. C. Blankenship J. P.

VIRGINIA--Lee County, To-wit: To W. P. Sprinkle Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of.....

James Edwards

, in your county, you cause to be made the sum of \$ 71.00 with

interest thereon from the 15 day of Apr 1895 still paid, which David

Preston has recovered before me in a  
warrant in debt, and also the sum of \$ 1.00 which were adjudged to the said David

Preston for costs in prosecuting said warrant.

Given under my hand the 15 day of Apr 1895

C. C. Blankenship J. P.



Execution is stayed on this judgment for 30 days  
this 15 day of April 1895  
J. B. Blackwell  
J. B.

David Preston  
vs. 3 Warrant  
James Edwards

Executed this April  
3rd 1895  
W. P. Sprinkle C. L. C.

Not executed  
no property found  
W. P. Sprinkle

Docketed in Judg-  
ment Day Docket  
Sept 18th 1893.  
J. V. Richmond  
Clerk

C 25.

B

AMOUNT - FEE COMMISSION - TO - MAIL

TO

Consent of said County:



# VIRGINIA--LEE COUNTY, TO-WIT:

TO C. E. Cheek Constable of said County:

I HEREBY COMMAND YOU TO SUMMON

James Edwards

If to be found in your District to appear at Jonesville in said county, on the

11<sup>th</sup> day of April 1896 before me or such other Justice of the said County, as may be thereto

try this warrant, to answer complaint of H. J. Morgan for the

benefit of S. C. Sewell

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$4.48 due

by C. Kate, and then and there make return of this warrant,

Given under my hand the 28<sup>th</sup> day of March 1896.

H. C. Joslyn J. P.

H. J. Morgan for S. C. Sewell  
Against James Edwards } On the 11<sup>th</sup> day of April 1896.  
(In debt.) At Jonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$4.48, with interest thereon from the

1<sup>st</sup> day of Jan 1896, till paid, and \$1.00 for costs.

H. C. Joslyn, J. P.

VIRGINIA--Lee County, To-wit: To C. E. Cheek Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of.....

James Edwards

....., in your county, you cause to be made the sum of \$4.48 with interest thereon from the 1<sup>st</sup> day of Jan 1896 till paid, which H. J. Morgan for

vs has recovered before me in a warrant in debt, and also the sum of \$1.00 which were adjudged to the said H. J. Morgan for

vs for costs in prosecuting said warrant.

Given under my hand the 11<sup>th</sup> day of April 1896,

H. C. Joslyn J. P.

*See Mr. Corb \$5.00  
Feb 4<sup>th</sup> 1896.*



H. J. Morgan for  
v.s. Warrant  
James Edward

Executed this 28<sup>th</sup>  
day of March 1896.  
C. E. Cheek C. E. C.

not Executed no  
Property found this  
May the 9 1896  
C. E. Cheek C. E. C.

Docketed in Judgment  
Lien Docket May  
9<sup>th</sup> 1896  
J. V. F. Richmond Clerk

C 25



**VIRGINIA--LEE COUNTY, TO-WIT:**

TO J. B. Shuffelbarger Constable of said County:

I HEREBY COMMAND YOU TO SUMMON.....

James Edwards sen

If to be found in your District to appear at Jonesville in said county, on the  
23<sup>d</sup> day of Jan 1896 before me or such other Justice of the said County, as may be thereto  
try this warrant, to answer complaint of.....J. A. S. Hyatt

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$24<sup>38</sup> due  
by Note, and then and there make return of this warrant,

Given under my hand the 23<sup>d</sup> day of Jan 1896.

H. C. Joslyn J. P.

J. A. S. Hyatt  
Against James Edwards sen } On the 23<sup>d</sup> day of Jan 1896.  
(In debt.) } At Jonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$ 24<sup>38</sup>, with interest thereon from the  
22<sup>d</sup> day of April 1894, till paid, and \$ 50<sup>c</sup> for costs.

H. C. Joslyn, J. P.

VIRGINIA--Lee County, To-wit: To \_\_\_\_\_ Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of.....

\_\_\_\_\_, in your county, you cause to be made the sum of \$..... with  
interest thereon from the..... day of..... 18 , till paid, which.....

\_\_\_\_\_ has recovered before \_\_\_\_\_ in a  
warrant in debt, and also the sum of \$..... which were adjudged to the said.....

\_\_\_\_\_ for costs in prosecuting said warrant.

Given under my hand the..... day of ..... 18 ;

\_\_\_\_\_  
J. P



J. A. G. Hyatt  
vs. 3 Warrant  
James Edwards sen

Executed by James  
Edwards sen. Conforming  
Judgment on 1<sup>st</sup>  
within Warrant, and  
waiving the fine  
days Station allowed  
by law.

This Jan 23<sup>d</sup> 1896.

H. C. Joslyn J.P.

Docketed in  
Judgment Lien  
Docket Page 110

C Fee 25-

J.P. Fee 50 cts

Paid by Ref J. A. G. Hyatt

2438  
1219  
223  
3654  
2438  
2.80.34

23



The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

*James Edwards (Old Man)*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *1st* Monday in *October*, 189*5*, to answer a  
bill in Chancery, exhibited against *him* in our said court by

*David Preston*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-  
house, the *27th* day of *September*, 189*5*, and in the

*120th* year of the Commonwealth.

*A B Munsey* Clerk.



David Preston

vs.

SUPRENA

IN CHANCERY.

James Edwards

Pridemore & Sewell p. q.

To 15th Oct Rules,

Circuit Court.

on the 28th of Sept  
Executed by delivering  
an office copy of the  
within & in Chancery  
James Edwards this  
The 28th day of Sept  
1895.

Erwin Bleeker Depy  
for W P Moton & Co